

junction with the other line in the Territory of New Mexico. This map was prepared by the engineer of the Railroad Commission. An inspection of this map discloses the fact that the point of the proposed junction, viz.: Tucumcari, is in the Territory of New Mexico, about fifty miles from the State line, and that the two lines of railroad from that point extend eastward in the same general direction, at an angle of about forty degrees. West of the Fort Worth & Denver City Railway and east of the State line these two lines of railroad are separated at a varying distance, say from sixty to eighty miles. Within this territory there would probably be more or less traffic competitive, that is, could be served by either line. I am aware that the portions of both lines in the Territory of New Mexico are constructed under a different charter from the portions within the State, but I presume there can be no dispute to the proposition that there is a common ownership, control and management.

Your attention is respectfully directed to an opinion rendered by the Supreme Court of Texas in the case of E. L. & Red River Ry. Co. vs. The State, 75 Texas, 434. On page 446 of that report, Judge Stayton rendering the opinion for the court, uses this language:

"We further concur with the court below in holding that railways, by reason of their relations with, control or management of other lines than their own, may become, within the meaning of the law, competing lines, though the railways owned by them may not in fact connect."

Within the meaning of Article 10, Section 5, of the Constitution, it is my opinion that these two lines of railway, as constructed and projected, are parallel and competing.

Very respectfully,  
ALLISON MAYFIELD,  
Commissioner.

### THIRTIETH DAY.

Senate Chamber,  
Austin, Texas, Tuesday March 3, 1903.  
Senate met pursuant to adjournment.  
Lieutenant Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Davidson of
Brachfield.	Galveston.
Cain.	Decker.
Davidson of	Douglass.
DeWitt.	Faubion.

Faulk.	Mills.
Faust.	Morris.
Grinnan.	Patteson.
Hanger.	Paulus.
Harper.	Perkins.
Henderson.	Savage.
Hicks.	Sebastian.
Hill.	Stafford.
Martin.	Willacy.
McKamy.	Wilson.

Absent.

Hale.	Lipscomb.
Harbison.	

### ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.  
W. E. DeLemar.  
R. M. Gilmore.  
Amos Wynne.  
W. M. Cobb.  
Eldred McKinnon.  
Mrs. Laura V. Grinnan.  
F. P. Smith.  
Miss Lucy Lane.  
C. H. Allen.  
Frank Mullins.  
C. J. Kirk.  
Rev. I. S. Davenport.  
Miss May Fant Odom.  
J. C. Son.  
Miss Georgia Sturgiss.  
Mrs. Hattie Yarbrough.  
Mrs. Hope H. Hawkins.  
Miss Emily Holcomb.  
Mrs. J. R. Van Orden.  
Miss Bessie Goldstein.  
W. T. Pace.  
W. A. Shaw, Jr.  
Lucien Goss.  
J. A. Chaffe.  
Herbert Davenport.  
Charlie Lane.  
Henry Paulus.  
Everet Thornhill.  
Walter Savage.  
Jas. Sebastian.  
Willie Gray.  
Jamie Snipes.  
Ed Underhill.  
Will Bartley.  
Reed Pierson.  
Dan Edwards.  
Josh Pyles.  
Ellis Monroe.  
Albert Hill.  
Mark Marsh.

Absent.

D. F. Hughes.  
Willie Gibson.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of last Friday,

On motion of Senator Douglass, the same was dispensed with.

#### EXCUSED.

On motion of Senator Patteson, W. A. Shaw, Jr., Committee Clerk, was excused for non-attendance upon the Senate from Saturday until Monday.

On motion of Senator Douglass, Eldred McKinnon, Enrolling Clerk, was excused for non-attendance upon the Senate from Saturday until Tuesday morning, on account of important business.

On motion of Senator Mills, Charley Lane, Page, was excused for non-attendance upon the Senate on Friday evening.

#### PETITIONS AND MEMORIALS.

The Chair laid before the Senate the following communications:

*Hon. Geo. D. Neal, Lieutenant Governor, Austin, Texas.*

DEAR SIR: The undersigned committee appointed for that purpose by the Fort Worth Board of Trade, cordially invite you, and through you, the Senate of the Twenty-eighth Legislature, to be present in this city on Friday, March 6th, to participate in the ceremonies at the opening of the packing houses of Swift & Company and Armour & Company, which will take place on that day.

These mammoth enterprises, although located in Fort Worth, are none the less State enterprises, in the benefit arising from which, the entire State will participate.

The people of Fort Worth will greatly appreciate the attendance of your honorable body on that occasion, and you are cordially and earnestly requested to be present.

Yours respectfully,

B. B. PADDOCK,

A. J. LONG,

W. G. TURNER,

Committee.

*President of Senate, Legislature of Texas, Austin, Texas.*

DEAR SIR: Following the order of a general meeting of the members of this association held this date, the following resolution was unanimously adopted:

*To the Hon. Legislature of Texas.*

"We, the members of the Kansas City Live Stock Exchange, many of whom are citizens of Texas and many more of whom are large investors in Texas securities, beg to petition the honorable

Legislature of Texas not to pass the measure known as the 'Bryan bill.' We believe such a law would inevitably and speedily cause the loss of millions of dollars to citizens of Texas and to the commercial interest of the country at large, causing a Federal quarantine of the entire State."

The members of this association most earnestly petition the honorable Legislature of the State of Texas to make no change in the existing regulations of the sanitary board of said State relative to the transit of cattle across the State quarantine line during the "open" season, and especially to in no way impair the efficiency of the present system of inspection at said line during the continuance of the "open" season.

The members of this Exchange are satisfied from the experience acquired by them during the three years following the establishment of the Texas State Quarantine Line, that a system of rigid inspection is necessary at the entrance to the "safe" area of the State, otherwise the result would be a great and permanent detriment to this market and to the lasting injury of the entire people of the State of Texas, since once the present safe area is allowed to become infected with ticks, the cattle producers in that area will be denied access to the markets above the National Line, except as Southern cattle.

It was demonstrated during the first three years of the operation of the Texas Sanitary Board that it is practically impossible to move clean cattle to shipping points during any part of the season following the admission of ticky cattle, as infected trails were made by transit of tick cattle from below to above the line. If tick cattle are allowed to be mingled with the clean cattle above the line it will follow as a certain result that the Federal authorities will establish their line on the north, east and west lines of the State, and refuse the passage of both ticky and clean cattle. This will result in excluding from stocker and feeder markets outside of the State of Texas, large numbers of cattle, aggregating about 300,000 head per annum.

Very respectfully,

H. S. BOICE,

Vice-President.

Houston, Texas, February 17, 1903.

*Hon. Geo. D. Neal, President of the Senate, Austin, Texas.*

DEAR SIR: We have sent you an invitation to the union meeting of the Brotherhood of Locomotive Engineers which will take place here on March

5th, 6th and 7th. It is requested that you read this to the Senate inviting them to attend.

We were unable to send each individual an invitation, and take this method of inviting them in a body. With kindest regards, we are,

Very truly yours,

W. J. WILSON,  
Chairman.  
W. J. BISSENET,  
Secretary.

*To the Legislature of the State of Texas.*

Whereas, There is now pending in the Senate a bill by Decker entitled "An Act to authorize county and district attorneys to bring suit for recovery of school lands on relation of actual settlers, to prescribe limitation of bringing such suits and validating titles where suits are not brought within six months, and declaring an emergency;" and

Whereas, The frauds purported to be reached by this bill for the benefit of the "actual settler" would be wholly eliminated by the enactment of Section 5 of said bill; and

Whereas, Only the lands of actual settlers would be subject to attack by the enactment of said bill, for the non-payment of principal, since all non-resident and syndicate lands have been patented prior to February, A. D. 1903, and are therefore not effected by this bill; therefore be it

Resolved, That we, *the actual settlers* of Briscoe county, in mass meeting assembled, are unanimously opposed to the enactment of said bill, and respectfully urge the Legislature to not pass the same.

S. L. WAGLEY,  
MIER CRAWFORD,  
R. L. JENKINS,  
JNO. S. MASON,  
R. B. BRALY, Clerk,  
J. E. DANIEL, Secretary,  
Committee.

Senator Douglass offered the following memorial:

TEXAS VETERAN ASSOCIATION.

Austin, Texas, February 12, 1903.

*To the Honorable, the Legislature of the State of Texas:*

The undersigned, your petitioners, would most respectfully represent, that that at the twenty-eighth annual reunion of the Texas Veteran Association of the Republic of Texas, at Austin, on the 20th, 21st and 22nd of April, 1871, following proceedings were had:

Comrade J. M. Hill offered the following resolution, which was unanimously adopted: That a committee be appointed to memorialize the Legislature to make an appropriation to erect an equestrian statue of General San Houston on the capitol grounds, opposite the Alamo monument.

The following committee was appointed: James M. Hill, F. B. Lubbock and Col. Stephen H. Darden.

Your memorialists hespectfully represent that Col. Stephen H. Darden has recently departed this life. We, the surviving members of the committee, beg to present to you the above proceedings, and ask of you the favorable consideration of the request herein, coming as it does from the old San Jacinto heroes and others; the early pioneers and patriot soldiers of the Republic of Texas.

We deem it entirely unnecessary to tax you with a recital of the great services both of a military and civil character rendered by General Sam Houston to the Republic and State of Texas; they are read in all histories and known of all men.

We now humbly pray that after due consideration of the subject that you will take liberal action in the premises; making such appropriation as you may deem just and proper in carrying out the wishes of the old general, and as in duty bound, we will ever pray.

J. M. HILL,  
President T. V. A.  
F. R. LUBBOCK,

Secretary and Treasurer T. V. A.

Read and referred to Committee on State Affairs.

Senator Martin offered the following petition:

*To the Honorable, the Legislature of the State of Texas:*

Your undersigned, a committee appointed for the purpose, by Granbury Camp No. 1323, United Confederate Veterans, would respectfully petition your honorable body to pass such legislation as your wisdom may suggest to prevent the unauthorized sale or wearing of the Southern Cross of Honor, prepared and distributed by the National Association of United Daughters of the Confederacy, and to prevent the sale and distribution in this State of such crosses prepared by any other person, firm or association, and your petitioners will ever pray, etc.

GEORGE C. PENDLETON,  
T. C. WRIGHT,  
JOE BRUSTER,

Committee.

Senator Perkins offered the following:

## RAILROAD COMMISSION OF TEXAS.

Austin, Texas, February 20, 1903.

*Hon. Jas. I. Perkins, Senate.*

DEAR SIR: In reply to your request, the Railroad Commission has carefully considered Senate bill No. 197, to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate the Texas & Louisiana Railway, and I am instructed by the Commission to say in its opinion the two lines are not parallel or competing lines, and we can offer no objection to the bill.

L. J. STOREY,  
Chairman.

Senator Faulk offered the following petition:

Athens, Texas, February 20, 1903.

*Hon. J. J. Faulk, Austin, Texas.*

DEAR SIR: We, the citizens of your district, ask that you support and use your influence for the passage of the Bryan quarantine bill.

Respectfully,  
S. L. Birdwell.  
Will Cummings.  
S. M. Whittington,  
W. L. Faulk.  
R. C. Faulk.  
W. F. Freeman,  
County Judge.

P. J. Galloway.  
J. N. Starr.  
J. J. Johnson.  
C. D. Owen.  
K. Richardson.  
J. T. Meredith.  
A. W. Bass.  
Carl Terrell.  
W. G. Jones.  
C. L. Kendrick.  
J. M. Daniel.  
C. R. Johnson.  
A. S. Ferrell.  
S. M. Cain.  
B. M. Roberts.  
H. C. Harrell.  
M. J. Hendley.  
J. A. Morton.  
Geo. R. Davis.  
J. T. Deen.  
C. G. Hatch.  
Sam Grayson.  
W. P. Hord.  
C. W. Daniel.  
Millard Stirman.  
Geo. Harrell.  
W. T. Carroll.  
Jno. Munro.  
A. F. Wood.  
Geo. M. Wofford.  
Emmett Spencer.  
D. N. McEachern.  
Joe Coker.

T. M. West.  
W. Morrison.  
Nat Jones.  
T. B. Green.  
T. H. Barron.  
W. W. Jarrell.  
W. J. Loper.  
J. D. Barnett.  
S. H. Adams.  
C. K. Miller.  
Grover C. Garnett.  
J. H. Garrett.  
J. W. Rounsawall.  
J. W. Garrett.  
Elam Henderson.  
A. B. Hunt.  
J. D. Noldrew.  
W. H. Wallace.  
I. A. Barton.  
Walter Corral.  
J. B. Henry.  
Alex Woldert.  
T. B. Garnett.  
J. A. Murchison.  
Benj. Miller.  
W. B. Stinnan.  
Percy Larkin.  
J. C. Hodge.  
W. T. Green.  
R. E. Yantis.  
T. N. Kuykendall.  
C. R. Milner.  
W. A. Richardson.  
John K. Richardson.  
F. P. Richardson.  
J. J. Richardson.  
J. R. Richey.  
J. K. Richardson.  
W. T. Davis.  
W. E. Henry.  
W. A. D. West.  
T. H. Carothers.  
Dick Hunt.  
S. E. Hallum.  
W. J. Sessions.  
J. M. Lynn.  
S. T. Sneed.  
W. W. Day.  
C. J. Ford.  
Dudley Payne.  
J. D. Barry.  
Geo. Browne.  
Tom Stevenson.  
D. L. Riley.  
W. B. Bishop.  
G. C. Allen.  
Theo. Turner.  
F. Hall.  
Dan Echols.  
J. D. Wier.  
J. I. Wofford.  
J. P. Deskin.  
W. E. Gilreath.

Senator Mills offered the following:

*To the Hon. Seth P. Mills, Austin, Texas.*

We, the undersigned physicians and

citizens of Waco, Texas, respectfully urge that you support amendment to House bill No. 175, as recommended by the three board of State medical examiners.

Respectfully,

C. T. Young.  
K. H. Aynesworth.  
S. M. White.  
W. H. McCullough.  
E. S. Thorpe.  
J. C. J. King.  
M. D. Baker.  
B. L. Scott.  
A. C. Prendergast.  
Allan D. Sanford.  
E. B. Baker.  
Cullen F. Thomas.  
R. F. Minnock.  
S. E. Shelton.  
Jno. L. Burgess.  
W. F. Cole.  
Drs. Yates and Yates.  
Dr. N. A. Olive.  
Dr. A. M. Curtis.  
Dr. J. J. Dean.  
Dr. J. C. Wood.  
Dr. J. P. Clark, Rosenthal.  
Dr. A. L. Willie, West.  
Dr. W. E. Elliott, West.  
Dr. J. A. Stuart, West.  
Dr. T. E. Snodgrass, West.  
Dr. J. C. Thomas, West.  
Dr. W. L. Givin, West.  
Dr. W. F. Robertson, West.  
Dr. A. C. Cravens, West.  
Dr. W. A. Cravens, Elm Mott.  
Dr. W. E. Lankford, Ross.  
Dr. Walter Wilcox, Bosqueville.  
Dr. A. M. Elliott, Bosqueville.  
Dr. R. McCormick, South Bosque.  
Dr. A. L. Anderson, Hewitt.  
Dr. C. A. Bishop, Hillside.  
Dr. J. F. Barrett, Axtell.  
Dr. A. M. Corender, Axtell.  
Dr. Will Trice, Elk.  
Dr. W. A. McGlasson, Elk.  
W. B. Carpenter, Mart.  
Dr. John T. Foster, Reisel.  
Dr. J. J. Smitt, Reisel.  
Dr. Jas. Horn, Patrick.  
Dr. Ben Caldwell, China Springs.  
Dr. Ralf Conger, China Springs.  
Dr. H. W. Brown, Waco.  
Dr. R. C. Brown, Waco.  
Dr. S. W. Starkey, Waco.  
Dr. J. W. Hale, Waco.  
Dr. O. I. Halbot, Waco.  
Dr. G. D. Streeter, Waco.  
Dr. J. M. Evans, Waco.  
Dr. J. F. Harrington, Waco.  
Dr. J. A. Weathered, Waco.  
Dr. H. C. Black, Waco.  
Dr. A. J. Commack, Waco.  
Dr. S. W. Cohen, Waco.  
Dr. J. R. Ferrell, Waco.  
Dr. Gustav Jack, Waco.

Dr. W. A. Howard, Waco.  
Dr. R. W. Park, Waco.  
Dr. J. A. Pipkin, Waco.  
Dr. E. W. Sannerson, Waco.  
Dr. C. E. Smith, Waco.  
Dr. W. O. Wilks, Waco.  
Dr. D. C. Hudson, Waco.  
Dr. J. N. Turner, Waco.  
Dr. B. O. Hesler, Waco.  
Dr. G. N. Foscue, Waco.

Rockdale, Texas, March 2, 1903.

To Senator Mills, Austin, Texas.

DEAR SIR: We, the undersigned citizens and stockmen of Milam county realize the bad effects of the Bryan quarantine bill if it becomes a law and beg to enter our protest against its enactment.

We know from experience that cattle will die if shipped from above to below the quarantine line, and that cattle shipped from below the line will infect the cattle north of it. And that the enactment of said bill will be a great injury to the cattle industry in all parts of Texas, and, therefore, as your constituents ask you to use all of your influence against its passage.

We would favor an open season with rigid inspection as provided for in other States, but ask you to oppose any bill with the Bryan bill provisions in it because we know the national government would be compelled to quarantine the entire State to protect the cattle industry in the States north of Texas.

Respectfully yours,

Fred A. Graves.  
E. G. Simms.  
J. J. Hairytan.  
P. S. Grams.  
A. I. Worley.  
R. H. Hicks.  
T. H. Graves.  
J. T. Randle.  
T. A. Swanzy.  
Leonara Isaacs.  
N. H. Tracy.  
J. P. Collier.  
H. L. Witcher.  
J. F. Coffield.  
J. M. Alexander.  
J. E. Longmoor.  
H. F. Snively.  
J. L. Lockett.  
C. H. Coffield.

Senator Decker offered a petition of citizens of Knox county for passage of Hill validating bill.

Read, and referred to Committee on Public Lands and Land Office.

Senator Decker offered a petition of 125 citizens of Baylor county for passage of Hill validating bill.

Read, and referred to Committee on Public Lands and Land Office.

Senator Faubion offered a petition of members of the United Commercial Travelers of America, asking for the passage of a law requiring all persons building or owning or operating hotels in Texas more than one story high to equip all such hotels and buildings with convenient and ample fire escapes at such intervals around such buildings as to insure escape of all occupants of such buildings.

Read, and referred to Committee on State Affairs.

#### INVITATION ACCEPTED.

On motion of Senator Hanger, the invitation to visit the opening of the packeries at Fort Worth on March 6th was accepted.

#### EXCUSED.

On motion of Senator Davidson of DeWitt, Senator Stafford was excused for non-attendance upon the Senate for last week on account of important business.

On motion of Senator Henderson, Senator Faubion was excused for non-attendance upon the Senate on last Tuesday on account of sickness.

#### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 222, A bill to be entitled "An Act to provide for the holding of two additional terms of the district court in Smith county and to prescribe the time for holding the same. And also to amend Section 7, Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding district court in Smith, Van Zandt, Wood and Upshur counties, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 355, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Bee county, and to declare an emergency."

House bill No. 38, A bill to be entitled "An Act to regulate the employment of children in factories, mills, mines, breweries, manufacturing establishments, and other establishments using machinery, and to provide penalties for the violation of same."

House bill No. 306, A bill to be entitled "An Act to exempt the county of Travis from the provisions and operations of Articles 5002 to 5042, both inclusive, of Chapter 6, Title CII, of the Revised

Civil Statutes of the State of Texas, relating to the inspection of hides and animals."

House bill No. 259, A bill to be entitled "An Act to amend Section 14 of an act entitled 'An Act to create a more efficient road system for Fannin, Kaufman and Robertson counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the power and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for the violation of this act, and repeal all laws in conflict with this act,' which act was presented to the Governor for his approval on the 4th day of February, 1895, but was not signed by him, nor returned to the House in which it originated with his objection thereto within the time prescribed by the Constitution and therefore became a law without his signature."

House Concurrent Resolution No. 16, Authorizing the Land Commissioner to withhold school and asylum lands from sale until pending legislation, regulating the manner of filing applications to purchase, is consummated.

House Concurrent Resolution No. 15, Relative to electing United States Senators by direct vote of the people.

The House does not concur in Senate amendments to House bill No. 130, and a Free Conference Committee is requested.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

#### COMMITTEE REPORTS.

The following committee reports were offered:

#### ENGROSSED BILLS.

Committee Room,  
Austin, Texas, March 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed

Bills have carefully examined and compared

Senate bill No. 53, A bill to be entitled "An Act to amend Article 128 and 129, Chapter 1, of the Revised Statutes of the State of Texas, relating to the apprehension of lunatics, and authorizing the county judge to fix the place of trial at the residence of the lunatic,"

And find the same correctly engrossed.  
PATTESON, Chairman.

Committee Room,  
Austin, Texas, March 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 161, A bill to be entitled "An Act to authorize the Chicago, Rock Island & Gulf Railway Company to purchase, own and operate, as part of its line, the railroad of the Chicago, Rock Island & Texas Railway Company, together with all its franchises, property, rights and privileges; the railroad of the Chicago, Rock Island & Mexico Railway Company, together with all its franchises, property, rights and privileges, and the railroad of the Choctaw, Oklahoma & Texas Railroad Company, together with all its franchises, property, rights and privileges, or either or any of such railroads, with all of its or their franchises, property, rights and privileges of every kind and character; and to authorize the owners of each of said railroads and the franchises, property, rights and privileges of every kind and character, to sell and convey the same; and to authorize said, the Chicago, Rock Island & Gulf Railway Company to issue and negotiate its bonds, secured or to be secured by a mortgage or mortgages, to the amount of the value of the railways, franchises, property, rights and privileges so purchased, and to the amount of the value of any railroad hereafter constructed by it under the provisions of this act, as fixed, or as same may be fixed, by the Railroad Commission of Texas, and to regulate the reports of said property, and the operation thereof; and to authorize said, the Chicago, Rock Island & Gulf Railway Company to construct, own and operate, as a part or parts of its line the unfinished portion or portions of said railroads, or either of them, between the termini, as defined in their respective charters; and to construct, own and operate as part or part of its line all extensions and branches of said railroads, or either of them, under or as authorized in and by the charter of said

the Chicago, Rock Island & Gulf Railway, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; and to prescribe the conditions upon which said purchase and sales shall take effect and be dependent; and to authorize said companies, and each of them, to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sales,"

And find the same correctly engrossed.  
PATTESON, Chairman.

#### CONTINGENT EXPENSES.

Committee Room,  
Austin, Texas, February 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Contingent Expenses, to whom was referred the following resolution:

Whereas, The services of an additional porter is needed in the committee rooms of the Senate; that Jim Hill served several days in said capacity, by order of the Lieutenant-Governor, and his services were very satisfactory; therefore, be it

Resolved. That Jim Hill, of Waller county, be appointed to perform the services of said position or any other duty he may be called upon to perform, and receive the same pay per day that other porters are receiving,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

WILLACY, Chairman.

The committee report was adopted.

#### EDUCATIONAL AFFAIRS.

Committee Room,  
Austin, Texas, February 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

Substitute House bill No. 11, A bill to be entitled "An Act to amend Articles 3973d, 3974 and 3978, of Title 86, Chapter 13, of the Revised Civil Statutes of Texas of 1895, relating to time validating of teacher's certificate,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

DAVIDSON of Galveston,  
Acting Chairman.

Committee Room,  
Austin, Texas, February 27, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 233, A bill to be entitled "An Act to amend Section 1, of Chapter 111, of An Act passed by the Twenty-seventh Legislature, in regular session, same being an act to amend Section 4, of Chapter 7, of an act passed by the First Called Session of the Twenty-sixth Legislature, to provide a uniform method of selecting trustees in independent school districts, so as to provide for the election of officers and the assessing and collecting of taxes in independent school districts,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*, with the following amendments:

"Strike out the words 'from their number,' in line 20, page 1 of bill; after the word 'committees,' on lines 21 and 22, on page 1 of bill, add the following: 'Provided, that the said board shall elect persons for the said offices of secretary and treasurer who are not members of said board.' Strike out the words 'and he shall be entitled to retain as commission for his services as such treasurer one per cent. of all funds coming into his hands,' appearing on lines 29, 30 and 31, page 1, of said bill.

DAVIDSON of Galveston,  
Acting Chairman.

Committee Room,  
Austin, Texas, February 27, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Educational Affairs, to whom was referred

House bill No. 40, A bill to be entitled "An Act to amend Article 3905, Chapter 7, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, relating to the scholastic age,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

DAVIDSON of Galveston,  
Acting Chairman.

#### INTERNAL IMPROVEMENTS.

##### MAJORITY REPORT.

Committee Room,  
Austin, Texas, February 28, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 197, A bill to be entitled "An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate as a part of its line the railroad of the Texas & Louisiana Railroad Company, together with all the franchises and property incident or appertaining thereto; and to authorize the Texas & Louisiana Railroad Company to sell its said railroad, together with the franchises and property incident or appertaining thereto to the said St. Louis Southwestern Railway Company; and to authorize said St. Louis Southwestern Railway Company of Texas to issue and negotiate its bond or bonds secured or to be secured by mortgage or mortgages, subject to the provisions of this act and of the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said St. Louis Southwestern Railway Company of Texas to construct, own and operate, as part of its line, the unfinished portion of the railroad of said Texas & Louisiana Railroad Company, between the termini of the latter company as defined in its charter and amendments thereto, and to construct, own and operate, as part of its line, extensions and branches thereof under or as may be authorized by the charter of said St. Louis Southwestern Railway Company of Texas, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; to regulate reports of the property to be purchased from said Texas & Louisiana Railroad Company, and the operation thereof; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

DAVIDSON of Galveston,  
Acting Chairman.

##### MINORITY REPORT.

Committee Room,  
Austin, Texas, February 28, 1903.  
*Hon. Geo. D. Neal, President of the Senate.*

SIR: A minority of your Committee on Internal Improvements, to whom was referred

Senate bill No. 197, A bill to be entitled "An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and operate as a



part of its line the railroad of the Texas & Louisiana Railroad Company, together with all the franchises and property incident or appertaining thereto; and to authorize the Texas & Louisiana Railroad Company to sell its said railroad, together with the franchises and property incident or appertaining thereto to the said St. Louis Southwestern Railway Company; and to authorize said St. Louis Southwestern Railway Company of Texas to issue and negotiate its bond or bonds secured or to be secured by mortgage or mortgages, subject to the provisions of this act and of the laws of the State of Texas governing the issuance and negotiation of bonds by railroad companies; and to authorize said St. Louis Southwestern Railway Company of Texas to construct, own and operate, as part of its line, the unfinished portion of the railroad of said Texas & Louisiana Railroad Company, between the termini of the latter company as defined in its charter and amendments thereto, and to construct, own and operate, as part of its line, extensions and branches thereof under or as may be authorized by the charter of said St. Louis Southwestern Railway Company of Texas, or any amendment thereof, made or to be made in pursuance of the General Laws of the State of Texas; to regulate reports of the property to be purchased from said Texas & Louisiana Railroad Company, and the operation thereof; and to prescribe the conditions upon which said purchase and sale shall take effect and be dependent; and to authorize said companies to execute all necessary contracts, agreements and conveyances to accomplish said purchase and sale."

Do not concur with the majority, and beg leave to recommend that it *do pass*, with the following amendment:

"Amend by adding at the end of Section 5, as follows: 'If within six months from the time this act takes effect there shall be donated to the St. Louis Southwestern Railway Company of Texas, a right-of-way one hundred feet in width along the line of said road which may be located, from the county line of Hamilton county to the town of Hamilton, in Hamilton county, and reasonably adequate depot grounds within the said town of Hamilton, then the said St. Louis Southwestern Railway Company of Texas shall construct and put in operation, within two years from the time this act takes effect, a line of its road from the county line of said Hamilton county to the said town of Hamilton, and establish its depot within one-half mile of the public square in said town; otherwise the power, right and

privilege of purchasing, owning and operating the said railroad of the Texas & Louisiana Railroad Company, with its franchises and appurtenances, shall be revoked and shall become null and void.'"

MARTIN,  
MORRIS,  
LIPSCOMB.

#### PENITENTIARIES.

Committee Room,

Austin, Texas, February 27, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Penitentiaries, to whom was referred

Senate bill No. 232, A bill to be entitled "An Act to amend Chapter 3, Title XCVIII, Articles 4847 and 4848, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 4852a and 4852b, relating to the salaries and compensation of the superintendent and assistant superintendents and assistant financial agents of penitentiaries, and to prohibit the purchase and regulate the use of State convicts and property by the officers and employes of the State penitentiaries, and making it unlawful for such officers and employes to accept or receive any salary or compensation from persons or corporations hiring or employing State convicts, and prescribing a penalty for the violation of the provisions of the last named article, and repealing all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do pass*.

MORRIS, Chairman.

#### TO SIGN SENATE BILL NO. 197.

Senator Wilson asked unanimous consent that Senator James I. Perkins, representing the Thirteenth Senatorial District, be allowed to sign Senate bill No. 197 as its author, to which request there was no objection.

#### BILLS AND RESOLUTIONS.

Senator Paulus offered the following resolution:

Resolved by the Senate, That the House of Representatives be and is hereby requested to return House bill No. 22, for correction of Senate amendments.

The resolution was read second time, and adopted.

Senator Mills offered the following resolution:

Resolved, That the Comptroller be re-

quested to furnish the Senate an estimate of the receipts for the fiscal years ending August 31, 1904, and August 31, 1905, what amount of revenue will be derived from the sources that will be credited to the general revenue fund, also the balance that will be in the treasury at the end of the fiscal year 1903.

The resolution was read second time, and adopted.

By Senator Savage:

Senate bill No. 234, A bill to be entitled "An Act making it unlawful for the owner, agent, lessee, receiver or operator of any mine in this State to employ or permit any person to work therein unless at least two openings are provided in connection with each stratum or seam of ore or coal, and providing a penalty for the violation of the provisions thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Mills:

Senate bill No. 235, A bill to be entitled "An Act to amend Section 1 of an act of the Twenty-first Legislature, entitled 'An Act to incorporate the city of Waco and define its boundaries and powers.'"

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Decker:

Senate bill No. 236, A bill to be entitled "An Act to authorize the Southern Kansas Railway Company of Texas to purchase the railroads and all other property of the Pecos River Railway Company now owned and hereafter acquired, and to operate the same under the charter of the Southern Kansas Railway Company as part of its own line, with the right to extend the said roads, or branches therefrom, by amendment of its charter under the General Laws of the State of Texas; and to authorize the corporation or corporations, person or persons, now or hereafter owning the said properties, to sell the same to the Southern Kansas Railway Company of Texas, and until such purchase is made, to authorize the lease by the Southern Kansas Railway Company of Texas, of the railroads and other properties of said two other companies."

Read first time, and referred to Committee on Internal Improvements.

#### PROOF OF PUBLICATION.

The introduction of which said bill was accompanied by the proof of the giving of the notice of intent to apply

for the passage of this bill and the proof of the publication of such notice being exhibited to the Senate.

By Senator Paulus:

Senate bill No. 237, A bill to be entitled "An Act to amend Article 234, Chapter 4, Title VIII, of the Penal Code."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Perkins:

Senate bill No. 238, A bill to be entitled "An Act to aid the assessing of taxes on railroads in this State."

Read first time, and referred to Committee on State Affairs.

By Senator Decker:

Senate bill No. 239, A bill to be entitled "An Act to provide for the vacation, change or relinquishment of plats of towns or additions thereto and the dedication of the streets and alleys thereof to the public."

Read first time, and referred to Committee on Towns and City Corporations.

By Senator Sebastian:

Senate bill No. 240, A bill to be entitled "An Act to amend Article 3503, of Chapter 3, of the Revised Civil Statutes of the State of Texas, 1895."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Perkins:

Senate bill No. 241, A bill to be entitled "An Act requiring railroad companies to construct sidings and spur tracks, and giving the Railroad Commission power to require construction of same."

Read first time, and referred to Committee on Internal Improvements.

By Senator Martin:

Senate bill No. 242, A bill to be entitled "An Act to confer upon the Railroad Commission of Texas jurisdiction to regulate and control the transportation of passengers and freight on all railway companies chartered under Titles XXI and XCIV of the Revised Civil Statutes of 1895, including street railways, suburban railways, interurban railways, electric railways and belt line railways, and subjecting same to the provisions of Chapters 13 and 14, of Title XCIV, of the Revised Civil Statutes of 1895."

Read first time, and referred to Committee on Internal Improvements.

By Senator Stafford (by request):

Senate bill No. 243, A bill to be entitled "An Act to create and establish the Texas Library Commission."

Read first time, and referred to Committee on Education.

By Senator Decker:

Senate bill No. 244, A bill to be entitled

"An Act to validate and quiet titles to public free school lands and university and asylum lands sold prior to March 17, 1902."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Hicks:

Senate bill No. 245, A bill to be entitled "An Act to require persons, firms or corporations owning or operating canals, ditches, flumes, feeders, laterals, reservoirs, dams, lakes or wells for providing water for irrigation to furnish such water to persons owning land along the route of such canals or laterals at a reasonable rate and without discrimination in rate, terms or manner of service; regulating the liability of such persons, firm or corporation for failure to furnish water, and declaring an emergency."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Paulus:

Senate bill No. 246, A bill to be entitled "An Act to provide for the publication of the laws in certain newspapers."

Read first time, and referred to Committee on State Affairs.

By Senator Mills:

Senate bill No. 247, A bill to be entitled "An Act to amend the Penal Code of the Revised Statutes as adopted April 25, 1895, relating to the game and fish law, and declaring an emergency."

Read first time, and referred to Committee on Stock and Stock Raising.

By Senator Faulk:

Senate bill No. 248, A bill to be entitled "An Act to authorize the Board of Managers of the North Texas Hospital for the Insane, at Terrell, Texas, to sell that part of the lands belonging to the State for the use of said institution which lies west of the Texas Midland Railroad, and to purchase at the same price per acre other lands lying east of said railroad."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Douglass:

Senate bill No. 249, A bill to be entitled "An Act to prohibit any manufacturer, firm, company or corporation, their agents, clerks or superintendents, in this State to dictate or in any manner interfere with any employe or laborer in their rights to select their own family physician, and to prescribe a penalty for the violation of this act."

Read first time, and referred to Committee on State Affairs.

Morning call concluded.

#### SENATE JOINT RESOLUTION NO. 4.

Senator Davidson of DeWitt moved to

suspend pending business and special orders, and the Senate take up Senate Joint Resolution No. 4.

The motion prevailed, and

The Chair laid before the Senate

Senate Joint Resolution No. 4, Providing for a convention to frame a Constitution for the State of Texas,

With the following committee amendment:

"Amend by adding after the word 'there,' in line 1, page 3, the words 'including taxes and assessments for local public improvements in incorporated cities and towns incorporated under general and special laws.'"

(Senator Willacy in the chair.)

Question being on the adoption of the committee amendment, yeas and nays being called for, the committee amendment was lost by the following vote:

Yeas—12.

Beaty.	Hicks.
Davidson of	Hill.
Galveston.	Paulus.
Decker.	Stafford.
Faulk.	Willacy.
Faust.	Wilson.
Hanger.	

Nays—16.

Brachfield.	Martin.
Cain.	McKamy.
Davidson of	Mills.
DeWitt.	Morris.
Douglass.	Patteson.
Faubion.	Perkins.
Grinnan.	Savage.
Harper.	Sebastian.
Henderson.	

Absent.

Hale.	Lipscomb.
Harbison.	

Senator Harper offered the following amendment:

"Amend line 13, page 1, by striking out the words 'on the first Saturday in November, A. D. 1903,' and inserting in lieu thereof 'on Tuesday next after the first Monday in November, A. D. 1904.'"

The amendment was adopted.

Senator Grinnan offered the following amendment:

"Amend by adding after the word 'penalties,' in line 26, page 4, the following: 'And you further swear that you will incorporate into the new Constitution now about to be recommended by you, the following language: That if any railway or other chartered transportation company, or the receiver thereof, in this State shall haul or carry any person free of charge or grant or give to any person, firm or corporation, or association of persons a free

pass, or any authority or permit whatsoever to travel or pass free over any railway or other transportation line or part of line for any distance under its control or operated by it, or under its authority, or shall, directly or indirectly, grant, give or concede to any such person, firm, corporation or association of persons any privilege greater or fare or rate less than it grants, gives or concedes to any and all other persons, firms, corporations, or association of persons of similar or like calling, occupation or profession or physical or pecuniary condition for similar service to the one or ones so favored, it shall in addition to the other penalties prescribed, pay to the State of Texas, in any action that shall be brought by the Attorney General, or district attorney, or county attorney for that purpose, the sum of five thousand dollars for each and every such act; provided, that every railway and other transportation company, or the receiver thereof, without delay or the necessity or preliminary action, shall have the right to carry free of charge all of the officers, agents, attorneys and employes of such railway and transportation company, and the families of such officers, agents, attorneys and employes, and the officers, agents, attorneys and employes of other transportation or railway companies, and the families of such officers, agents, attorneys and employes of such other transportation and railway companies."

The amendment was lost by the following vote:

## Yeas—11.

Brachfield.	Martin.
Cain.	Mills.
Douglass.	Patteson.
Grinnan.	Savage.
Harper.	Sebastian.
Henderson.	

## Nays—16.

Beaty.	Hanger.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	McKamy.
Galveston.	Morris.
Decker.	Paulus.
Faubion.	Perkins.
Faulk.	Willacy.
Faust.	Wilson.

## Absent.

Hale.	Lipscomb.
Harbison.	Stafford.

## REASON FOR VOTING.

"I vote 'aye' on the above amendment for the reason that I am a democrat; that the democrats in convention assem-

bled demand a law of this kind, and I believe the party is honest in its demands and means what it says.

"MARTIN."

Senator Mills offered the following amendment:

"Amend Section 3, by striking out all in lines 25 and 26, after the word 'convention,' in line 25, and insert 'that the Twenty-ninth Legislature, at its Regular Session, January, 1905, shall provide for the election of delegates, three from each Senatorial District, fix the date at which they shall be elected, and the time at which said convention shall convene, and make an appropriation out of the general revenue to pay the expense of the convention, and strike out all of Section 4.'"

Pending the adoption of the foregoing amendment,

Senator Henderson suggested that the entire procedure was out of order, inasmuch as the committee reports had not been acted on.

Senator Davidson of DeWitt, then moved that the majority committee report be adopted, and

Senator Grinnan moved that the minority committee report, recommending that the bill do not pass, be adopted as a substitute in lieu of the majority report.

Pending action on the foregoing motion,

Senator Harper moved that the Senate take a recess until 2:30 o'clock this evening.

Senator Sebastian moved that the Senate adjourn until tomorrow morning, at 10 o'clock.

Action being on the longest time first, the Senate refused to adjourn until tomorrow morning.

Action recurring on motion to take a recess until 2:30 p. m., that motion prevailed, and the Senate recessed until 2:30 p. m.

## AFTER RECESS.

## BILLS READ AND REFERRED.

Lieutenant Governor Neal in the chair. The Chair had referred, after their captions had been read, the following House bills:

House bill No. 38, A bill to be entitled "An Act to regulate the employment of children in factories, mills, mines, breweries, manufacturing establishments, and other establishments using machinery, and to provide penalties for the violation of same."

Referred to Committee on Labor.

House bill No. 355, A bill to be entitled

"An Act to increase the civil jurisdiction of the county court of Bee county, and to declare an emergency."

Referred to Judiciary Committee No. 1.

House bill No. 259, A bill to be entitled "An Act to amend Section 14 of an act entitled 'An Act to create a more efficient road system for Fannin, Kaufman and Robertson counties, Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the power and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said counties, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for the violation of this act, and repeal all laws in conflict with this act,' which act was presented to the Governor for his approval on the 4th day of February, 1895, but was not signed by him, nor returned to the house in which it originated with his objection thereto within the time prescribed by the Constitution and therefore became a law without his signature."

Referred to Committee on Roads, Bridges and Ferries.

House bill No. 306, A bill to be entitled "An Act to exempt the county of Travis from the provisions and operations of Articles 5002 to 5042, both inclusive, of Chapter 6, Title CII, of the Revised Civil Statutes of the State of Texas, relating to the inspection of hides and animals."

Referred to Committee on Stock and Stock Raising.

House bill No. 222, A bill to be entitled "An Act to provide for the holding of two additional terms of the district court in Smith county and to prescribe the time for holding the same. And also to amend Section 7, Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding district court in Smith, Van Zandt, Wood and Upshur counties, and to repeal all laws and parts of laws in conflict herewith."

Referred to Committee on Judicial Districts.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, March 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: I am directed by the House to inform the Senate that the House returns House bill No. 22 for corrections as requested by the Senate.

The House concurs in Senate amendments to House bill No. 14.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

(Senator Willacy in the chair.)

## SENATE JOINT RESOLUTION NO. 4.

Action recurring on Senate Joint Resolution No. 4, the question being on the adoption of the minority committee report offered as a substitute to the majority committee report.

The motion to adopt the minority report as a substitute was lost by the following vote:

Yeas—8.

Brachfield.	Martin.
Cain.	Mills.
Faust.	Morris.
Grinnan.	Sebastian.

Nays—20.

Beaty.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	McKamy.
Galveston.	Patteson.
Decker.	Paulus.
Douglass.	Perkins.
Faubion.	Savage.
Faulk.	Stafford.
Hanger.	Willacy.
Harper.	Wilson.

Absent.

Hale.	Lipscomb.
Harbison.	

The question then being on the motion to adopt the majority committee report.

The motion prevailed by the following vote:

Yeas—20.

Beaty.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	McKamy.
Galveston.	Patteson.
Decker.	Paulus.
Douglass.	Perkins.
Faubion.	Savage.
Faulk.	Stafford.
Hanger.	Willacy.
Harper.	Wilson.

## Nays—8.

Brachfield.	Martin.
Cain.	Mills.
Faust.	Morris.
Grinnan.	Sebastian.

## Absent.

Hale.	Lipscomb.
Harbison.	

The question then being on the adoption of the amendment offered by Senator Mills.

The amendment was lost by the following vote:

## Yeas—8.

Brachfield.	Martin.
Cain.	Mills.
Faust.	Morris.
Grinnan.	Sebastian.

## Nays—19.

Beaty.	Henderson.
Davidson of	Hicks.
DeWitt.	Hill.
Davidson of	McKamy.
Galveston.	Patteson.
Decker.	Paulus.
Douglass.	Perkins.
Faubion.	Savage.
Faulk.	Stafford.
Hanger.	Willacy.
Harper.	

## Absent.

Hale.	Lipscomb.
Harbison.	Wilson.

Senator Grinnan offered the following amendment:

"Amend by adding after the word 'penalties,' in line 26, page 4, the following: 'And you further swear that you will incorporate into the new Constitution now about to be recommended by you, the following language: That if any railway or other chartered transportation company, or the receiver thereof, in this State shall haul or carry any person free of charge or grant or give to any person, firm or corporation, or association of persons a free pass, or any authority or permit whatsoever to travel or pass free over any railway or other transportation line or part of line for any distance under its control or operated by it, or under its authority, or shall, directly or indirectly, grant, give or concede to any such person, firm, corporation or association of persons any privilege greater or fare or rate less than it grants, gives or concedes to any and all other persons, firms, corporations, or association of persons of similar or like calling, occupation or profession or physical or pecuniary condition for similar service to

the one or ones so favored, it shall in addition to the other penalties prescribed, pay to the State of Texas, in any action that shall be brought by the Attorney General, or district attorney, or county attorney for that purpose, the sum of five thousand dollars for each and every such act; provided, that every railway and other transportation company, or the receiver thereof, without delay or the necessity or preliminary action, shall have the right to carry free of charge all of the officers, agents, attorneys and employes of such railway and transportation company, and the families of such officers, agents, attorneys and employes, and the officers, agents, attorneys and employes of other transportation or railway companies, and the families of such officers, agents, attorneys and employes of such other transportation and railway companies, except when any such officers, agents, attorneys or employes named herein hold any public office in this State, or is a candidate for any such office.'"

## POINT OF ORDER.

Senator Hanger made the point of order that the amendment was out of order, inasmuch as the Senate had refused this morning to adopt a similar amendment.

The Chair (Senator Willacy) overruled the point of order.

Senator Decker offered the following amendment to the amendment:

"Amend the amendment by striking out all after the word 'employes' on page 1, of amendment, two lines from bottom, to and including the word 'companies.'" (Lieutenant Governor Neal in the chair.)

Senator Davidson of DeWitt moved to table the amendment to the amendment and the amendment.

The motion prevailed by the following vote:

## Yeas—15.

Beaty.	Hill.
Davidson of	McKamy.
DeWitt.	Morris.
Davidson of	Paulus.
Galveston.	Perkins.
Faulk.	Stafford.
Faust.	Willacy.
Hanger.	Wilson.
Hicks.	

## Nays—13.

Brachfield.	Henderson.
Cain.	Martin.
Decker.	Mills.
Douglass.	Patteson.
Faubion.	Savage.
Grinnan.	Sebastian.
Harper.	

## Absent.

Hale. Lipscomb.  
Harbison.

## REASON FOR VOTING.

"We vote against the amendment offered because we do not think it good policy to burden the joint resolution with issues like the one proposed, as we think that the amendment proposed would tend to defeat the constitutional convention, and that it is intended by some of its supporters to accomplish that object. We do not fear to trust those whom the people will elect as delegates to the constitutional convention. We favor an act of the Legislature or a constitutional amendment prohibiting the giving of free passes and will vote for such law or amendment, and will support such a measure if a constitutional convention is called.

"PERKINS,  
"HICKS."

Senator Henderson offered the following amendment:

"Amend by adding after the word 'advisable,' in line 29, printed bill, Section 28, Article 16, of the present Constitution, which reads as follows: 'No current wages for personal service shall ever be subject to garnishment.'"

The amendment was adopted.

The resolution was ordered engrossed by the following vote:

## Yeas—16.

Beaty.	Hicks.
Davidson of	Hill.
DeWitt.	McKamy.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Hanger.	Willacy.
Harper.	Wilson.
Henderson.	

## Nays—12.

Brachfield.	Martin.
Cain.	Mills.
Davidson of	Morris.
Galveston.	Savage.
Decker.	Sebastian.
Faust.	Stafford.
Grinnan.	

## Absent.

Hale. Lipscomb.  
Harbison.

Senator Davidson of DeWitt moved to reconsider the vote by which the resolution was ordered engrossed, and lay that motion on the table.

The motion to table prevailed by the following vote:

## Yeas—18.

Beaty.	Douglass.
Davidson of	Faubion.
DeWitt.	Faulk.
Hanger.	Patteson.
Harper.	Paulus.
Henderson.	Perkins.
Hicks.	Savage.
Hill.	Willacy.
McKamy.	Wilson.
Mills.	

## Nays—10.

Brachfield.	Grinnan.
Cain.	Martin.
Davidson of	Morris.
Galveston.	Sebastian.
Decker.	Stafford.
Faust.	

## Absent.

Harbison. Hale.  
Lipscomb.

# HOUSE CONCURRENT RESOLUTION NO. 16 SPECIAL ORDER FOR TOMORROW.

Senator Hicks moved that House Concurrent Resolution No. 16 be made a special order for tomorrow morning.

The motion prevailed.

## SENATE BILL NO. 47.

On motion of Senator Hill, the special order of business (Senate bill No. 175) was suspended, and the Senate took up, out of its order, Senate bill No. 47.

The Chair laid before the Senate, on its second reading,

Senate bill No. 47, A bill to be entitled "An Act to prescribe a period of limitation within which any person claiming the right to purchase or lease public free school, State, university or asylum lands heretofore sold or leased to others, shall bring his suit therefor."

Senator Hill moved to adopt the majority committee report.

# FREE CONFERENCE COMMITTEE APPOINTED.

The Chair appointed the following Senators on Free Conference Committee on House bill No. 130, as requested:

Senators Henderson, Mills, Willacy, Faust, Paulus.

## COMMITTEE REPORTS.

(By unanimous consent.)

## PUBLIC LANDS AND LAND OFFICE.

Committee Room,  
Austin, Texas, March 3, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Public

Lands and Land Office, to whom was referred

Senate bill No. 131, A bill to be entitled "An Act authorizing the sale of certain portions of the public free school, university and asylum lands to railroad companies owning, operating or constructing railroads in this State for the location and establishment of town sites, depots, stations, yards and round houses, shops, divisional terminals or water stations; and to prescribe the terms and conditions of such sales; to authorize the Commissioner of the General Land Office to fix the prices of such lands when sold for such purpose,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass, with the following amendments:

1. "Amend Subdivision 1, of Section 1, by inserting after the word 'office' at the end of line 2, the following: 'Or the board of regents, as the case may be.'"

2. "Amend Section 2 as follows:  
"Section 2. When any such application or applications shall be filed with the Commissioner of the General Land Office for the purchase of public school land, or with the board of regents for the purchase of university lands, under the provisions of this act, said Commissioner or said board of regents, as the case may be, shall investigate the matter therein set forth, and if after such investigation, he or they shall be satisfied that the statements made in such application are true, he or they shall then determine and fix the fair and reasonable value of such tract, or tracts, of land, regardless of any lease thereon, unless the lessee should have two hundred dollars worth of improvements thereon, in which event the consent of the lessee shall be first obtained, and he or they shall advise the applicant of the price so fixed, and if said railway company desires said land at the price so fixed, it shall pay therefor, in cash, to the State Treasurer the price so fixed by the Commissioner of the General Land Office or said board of regents, as the case may be; and the Treasurer shall give his receipt showing such payment, whereupon there shall be issued and delivered to the said railway company a patent for said tract or tracts of land, to be properly executed by the Governor and the Commissioner of the General Land Office, upon payment of the patent fee therefor; provided, that no mineral land shall be sold under this act."

3. "Amend Section 4 by adding after the word 'purchase,' in line 1, 'any public free school land.'"

GRINNAN, Chairman.

## LABOR.

Committee Room,  
Austin, Texas, March 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Labor, to whom was referred

Substitute House bill No. 38, A bill to be entitled "An Act to regulate the employment of children in factories, mills, mines, breweries, manufacturing establishments and establishments using machinery, and to provide penalties for violation of same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

BRACHFIELD, Chairman.

## TOWNS AND CITY CORPORATIONS.

Committee Room,  
Austin, Texas, March 3, 1903.

*Hon. Geo. D. Neal, President of the Senate.*

SIR: Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 235, A bill to be entitled "An Act to amend Section 1 of an act of the Twenty-first Legislature, entitled "An Act to incorporate the city of Waco, and define its boundaries and powers,""

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it *do* pass.

HICKS, Chairman.

## ADJOURNMENT.

On motion of Senator Savage, the Senate, at 5:15 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## APPENDIX.

### RAILROAD COMMISSION OF TEXAS.

Austin, Texas, March 3, 1903.

*Hon. D. E. Decker, Senate Chamber, Austin, Texas.*

DEAR SIR: Your letter of the 26th inst. is received, in which you ask the opinion of each of the members of this Commission whether or not the merger of the Chicago, Rock Island & Mexico Railway Company with that of the Choctaw, Oklahoma & Texas would be the merger or parallel or competing lines.

Knowing from a verbal interview you had with this Commission that this inquiry is in reference to the constitutionality of Senate bill No. 161, introduced



by Senator Hanger, I think it proper to again call your attention to a reply made by Commissioner Colquitt and myself to Senator Hanger on the 26th inst. It reads as follows:

"We have received your letter of this date, asking 'Will you please advise me if you have examined, and if so, whether you have found any objection to Senate bill No. 161.' Replying, we have to say that we have examined same, and, without intending to be understood as making any recommendations with respect thereto, we beg to say we find no objection to same."

While writing this reply to your letter, and before either of the Commissioners had sent in a reply to your inquiry, we were informed that the bill had passed the Senate, and that it was stated in the Senate that the Commissioners were divided in opinion as to the constitutionality of the bill.

Let me state here that it is entirely immaterial to this Commission whether this bill is passed or not. It will not affect the administration of the duties of this office, with reference to said roads, in the least. A consolidation of the two lines entering Fort Worth will reduce the freight rate from a two to a single line rate, and a consolidation of any two or more of these lines will reduce the expenses of the railroads consolidated. But you ask, are the two roads in the Panhandle, the Chicago, Rock Island & Mexico Railroad and the Choctaw, Oklahoma & Texas Railroad, parallel or competing, and to the question I say they are not.

I hand you herewith a section of the railroad map of Texas, prepared under the direction of the Commission. It shows all four of these roads, and their connections in Texas and at the State lines. I need not tell you that they are not and cannot be, under the Constitution of this State, a part of any other road outside of this State. There are three sections of Article 10 of the Constitution, and some existing laws of this State, which should be considered in solving questions like this. Section 1, of Article 10, provides:

"Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this State. Every railroad company shall have the right with its road to intersect, connect with or cross any railroad, and shall receive and transport each the others passengers, tonnage and cars, loaded or empty, without delay or discrimination under such regulations as shall be prescribed by law."

Connecting lines are defined by our Revised Statutes, Article 4536, to be:

"Whenever any two or more railroads, doing business in this State, shall connect with each other by crossing each others tracks or otherwise, so as to form a continuous or connected line from one point in the State to another point in this State; such lines so crossing are hereby declared to be connecting lines \* \* \*."

Section 5, of Article 10, of the Constitution, reads:

"No railroad \* \* \* or the lessees, purchasers or managers of any railroad corporation shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control any railroad corporation *owning or having under its control* a parallel or competing line. Nor shall any officer of such railroad corporation act as an officer of any other railroad owned or *having the control* of a parallel or competing line."

"Section 6. No railroad company organized under the laws of this State shall consolidate, by private or judicial sale or otherwise, with any railroad company organized under the laws of any other State, or of the United States."

There is no effort by this bill to consolidate either of these Texas roads, by purchase or otherwise, with any outside line, nor could it be done under this Section 6 of the Constitution, and if there is, in fact, any such consolidation with any outside road by purchase "or otherwise," it is the bounden duty of the Governor, the Attorney General and the Railroad Commission of Texas, upon each of whom the law imposes the duty to see that the laws of this State in such matters are enforced, to take the necessary steps to secure the forfeiture of the charters of any such Texas corporations as are merged with outside railway companies, if any there be, as was done in the case of the East Line & Red River Railway Company vs. The State of Texas. See Vol. 75, pages 448-9, Texas Supreme Court Reports. At the time of the sale of the East Line and Red River Railway to the Missouri, Kansas & Texas Railway Company, the Missouri, Kansas & Texas had no Texas charter, besides its line of railroad running from Red River via Denison, Fort Worth and Waco to Taylor, Williamson county, where it intersected with the International & Great Northern Railroad, it had also built and was operating a road from Denison through Greenville, southeast to Mineola where it connected with the International & Great Northern Railroad and the Texas & Pacific. No authority

whatever had been granted by Texas or any other government for the building of this road from Denison to Mineola, but it was built and was being operated and controlled by the Missouri, Kansas & Texas Railway Company.

The Legislature of Texas, on August 2, 1870, described the Missouri, Kansas & Texas Railway Company as "a corporation authorized by Congress." In the East Line & Red River case, page 448, the court said: "The Missouri, Kansas & Texas Railway Company is a corporation organized under the laws of another State," and then quoted said Section 6 of the Constitution, and then continuing, said: "The contract in question having been made since the adoption of the Constitution now in force, under the admissions in the answer, it must be held that it is a clear violation of Section 6 before quoted."

It is well understood that a railway company cannot sell its road to any other railway company without authority of the Legislature, and in this very East Line & Red River case the court said, on page 446, that the East Line & Red River Railway Company "had no power under the terms of its charter or any other law in force in this State, to sell its road or any franchise conferred by its charter." "The Missouri, Kansas & Texas Railway Company was as clearly without power to buy the road owned by respondent as was it to sell."

The fact is, there were several emphatic and overwhelming reasons given by the court for declaring that sale illegal and for forfeiting its charter, and which cannot be misunderstood, while the idea of competing lines referred to, it seems to me, is mystified and difficult to understand as to the connections referred to make them competing lines.

It is true, the Supreme Court said:

"We further concur with the court below in the holding that railways, by reason of their relations with, *control*, or *management* of other lines than their own, may become, within the meaning of the law, competing lines, though the railroads owned by them may not in fact connect."

Remember that the court below found that, disregarding their connection with other roads and lines of transportation, "the East Line & Red River and the Missouri, Kansas & Texas railroads were not competing roads when said sale was made, considered with reference to such connections they were competing roads."

Remember also that there was no crossing of or connection between the Missouri, Kansas & Texas and the East

Line except by the "no mans' road," controlled and operated by the Missouri, Kansas & Texas, running from a point on the Missouri, Kansas & Texas at Denison, crossing the East Line at Greenville, thence south east to Mineola.

Hence the Supreme Court used its guarded language above quoted, "by reason of their relation with, *control* or *management* of other lines than their own, may become, within the meaning of the law, competing lines, though the railway owned by them may not in fact connect."

It was this connection at Greenville with a road not authorized to be built or owned by the Missouri, Kansas & Texas, but which it controlled and operated that made them competing lines, and no other connection made them competing. And there is no pretense that there is any such connection between the two roads in the Panhandle about which you inquire.

I deny that any two roads can be competing lines, in the sense of Section 5, of Article 10, of the Constitution, unless they actually connect on the ground at some point in Texas, or are linked together by some intermediate road which is *controlled* or *managed* by one of the two roads. That in my judgment, is what the Supreme Court decided in the East Line case.

And here I might stop but for the fact that I know it is contended that these two roads, the Chicago, Rock Island & Mexico road and the Choctaw, Oklahoma & Texas road, compete for freight that may be hauled by wagons from intermediate territory all the way from forty to 100 miles as the roads are now constructed, and yet in all that territory between the two roads east of the Fort Worth & Denver City Railway the Southern Kansas runs from Amarillo northeast between the two roads, and if there is any such competition at all each must compete with that road and not with each other. And on the west of the Fort Worth & Denver City road that road must be a sharp competitor for every square mile of territory between it and the west line of the State.

Having seen that these lines are not parallel and are not competing lines, by crossing each other's tracks or otherwise, so as to form a continuous or connected line from one point in the State to another point in the State (Revised Statutes, 4536), and since it is seen by reference to the map, that as now built the shortest distance between the two lines is that from Amarillo to Dalhart, a distance of eighty-two miles, and the nearest they ever can get to each other

if the Choctaw, Oklahoma & Texas is continued west from Amarillo to the State line, its utmost western limit under its charter, is from forty-five to sixty miles.

They can have no controlling interest in each other, or of any outside or connecting line, nor can any outside line dominate the Texas lines injuriously, if the laws of Texas are enforced. I know it is contended that these two roads are competing lines by reason of their connections with large outside corporations, which they do not and "cannot control or manage," but I think I have shown that such a conclusion is based on a misapprehension of what the court said in the East Line case.

Respectfully,

L. J. STOREY,  
Chairman.

### THIRTY-FIRST DAY.

Senate Chamber,  
Austin, Tex., Wednesday, March 4, 1903.

Senate met pursuant to adjournment.

Lieutenant-Governor Geo. D. Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Henderson.
Brachfield.	Hicks.
Cain.	Hill.
Davidson of	Lipscomb.
DeWitt.	Martin.
Davidson of	McKamy.
Galveston.	Mills.
Decker.	Morris.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Savage.
Grinnan.	Sebastian.
Hanger.	Stafford.
Harbison.	Willacy.
Harper.	Wilson.

Absent.

Hale.

### ROLL CALL OF OFFICERS AND EMPLOYEES.

Present.

Clyde D. Smith.  
W. E. DeLamar.  
R. M. Gilmore.  
Amos Wynne.  
W. M. Cobb.  
Eldred McKinnon.  
Mrs. Laura V. Grinnan.  
F. P. Smith.  
Miss Lucy Lane.

C. H. Allen.  
D. F. Hughes.  
Frank Mullins.  
C. J. Kirk.  
Rev. I. S. Davenport.  
Miss May Faut Odom.  
J. C. Son.  
Miss Georgia Sturgis.  
Mrs. Hattie Yarbrough.  
Mrs. Hope H. Hawkins.  
Miss Emily Holcomb.  
Mrs. J. R. Van Orden.  
Miss Bessie Goldstein.  
W. T. Pace.  
W. A. Shaw, Jr.  
Lucian Goss.  
J. A. Chaffe.  
Harbert Davenport.  
Charlie Lane.  
Willie Gibson.  
Henry Paulus.  
Evetts Thornhill.  
Walter Savage.  
James Sebastian.  
Willie Gray.  
Jamie Snipes.  
Ed Underhill.  
Will Bartley.  
Reid Pierson.  
Dan Edwards.  
Josh Pyles.  
Ellis Monroe.  
Albert Hill.  
Mark Marsh.

Prayer by the Chaplain, Rev. I. S. Davenport.

Pending the reading of the Journal of yesterday.

On motion of Senator Wilson, the same was dispensed with.

### EXCUSED.

On motion of Senator Henderson, Senator Harbison was excused for non-attendance upon the Senate on yesterday on account of important committee work.

On motion of Senator Harper, Senator Lipscomb was excused for non-attendance upon the Senate on yesterday on account of important business.

On motion of Senator Paulus, Senator Hale was excused for non-attendance upon the Senate on yesterday on account of important business.

### INVITATION TO VISIT EL PASO.

Senator Hill offered the following invitation:

Hon. Geo. D. Neal, Lieutenant-Governor.

DEAR SIR: I am instructed by the citizens of El Paso to extend to you and through you to the Senate of the Twenty-eighth Legislature, a most cordial invitation to visit the city of El Paso, on the occasion of the annual meeting of the